

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 11 AUGUST 2000

**00/0343/FL : CHANGE OF USE TO FORM HOT TAKEAWAY AND
EXTERNAL ALTERATIONS AT
80 MILL O' SHIELD ROAD, DRONGAN**

APPLICATION BY MR SINGH

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the change of use of the former shop to form a hot food takeaway. The proposal also includes the installation of an extract flue to the rear. No alterations are proposed to the shopfront.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the condition listed on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 In terms of the relevant policy document, the East Ayrshire Local Plan, Finalised Version, the proposed development complies with the provisions of Policy RTC14.

3.2 With respect to the letter of objections, competition is not a material consideration in the determination of the application. With regard to the opening hours, an appropriate condition could be attached to any planning consent, however given that there is no planning restriction on the hours operated by the neighbouring carry-out and cafe, this is not considered appropriate.

3.3 Although there is already a hot food takeaway establishment within the row of shops at Glenraig Street, the re-use of the retail premises is to be encouraged in line with policy.

Alan Neish
Head of Planning and Building Control

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning and Building Control

4. PURPOSE OF REPORT

4.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposal is subject to objections.

5. APPLICATION DETAILS

5.1 **Site Description:** The site is located within an existing row of shops (flat roofed, single storey) on the north side of Mill O' Shield Road, Drongan. Within the row of shops at this location there is a café, public house, hot food takeaway and various retail shops.

5.2 **Proposed Development:** Full planning permission is sought for the change of use of the former shop to form a hot food takeaway. The proposal also includes the installation of an extract flue to the rear. No alterations are proposed to the shopfront.

6. CONSULTATIONS AND ISSUES RAISED

6.1 Drongan Community Council has not responded to the consultation letter.

Noted.

6.2 West of Scotland Water have no objections to the proposal, but suggest that drainage from the development includes an adequate grease trap.

A note could be attached to any planning consent advising the above.

6.3 East Ayrshire Council Department of Homes and Technical Services have no objection to the proposed development.

Noted

3.4 The Scottish Environment Protection Agency have no adverse comments to make on the proposal.

Noted

3.5 East Ayrshire Council's Roads and Transportation Division have no objections to the proposed development. There is ample parking to the front and side of the existing shops.

Noted

3.6 East Ayrshire's Environmental Health Division have no objections in principle to the development. Detailed comments will be offered at the Building Warrant Stage.

Noted

4 REPRESENTATIONS

Two letters of objection has been received with regard to the application.

4.1 One objector states that they have the chip shop next door and feel that they will lose business if planning permission is given for another hot food outlet. They have already lost some trade, to the diner take away at the end of the row of shops, in the last year. There is also a Chinese take away in Drongan and a mobile chip van is trading in the village twice a week. The bakers shop also sells hot food to take away. They have also lost trade over the last few weeks to the teen café, which has opened up to sell hot food at the said premises. If they lose any more business they may be forced to close down. This is something they cannot afford to do as this is their only source of income.

It is not the function of the planning system to preserve existing individual commercial interests or to inhibit competition between retailers. Objection to the proposed development on grounds of competition is therefore not material to the consideration of the application.

4.2 They would also like to point out that they live in the village and employ people on part time basis who also live in the village.

This is not material to the consideration of the application.

4.3 There are already two hot food outlets on this parade of shops and one at the other set of shops. This would be over provision of this size.

This is not material to the consideration of the application. It is noted that there are already two similar uses operating within the parade of shops at Mill O' Shield Road. It is not considered however that another hot food takeaway at this location would be detrimental to the area in terms of noise, smell and litter.

5 DEVELOPMENT PLAN STATUS

5.1 The relevant policy document is the East Ayrshire Local Plan, Finalised Version. The application site is affected by residential and retailing policies. Drongan has no town centre boundary within the Local Plan.

5.2 Retailing policy RTC14 states that development proposals for public houses and hot food takeaways will be considered acceptable uses within town centres and may be considered appropriate in other locations where the proposals:-

(i) meet with the requirements of the Council as Roads Authority;

The Roads Division have no objections to the proposal.

(ii) do not have a detrimental effect on the amenity of adjacent properties by reason of noise, litter, odour, or any other nuisance or disturbance;

It is considered that the proposed use would not be detrimental to the amenity of adjacent properties as the proposed site is located within an existing parade of shops where there is already a certain level of activity and disturbance. Conditions could be attached to any planning consent with regard to the siting of litter bins. With regards to smell, East Ayrshire Environmental Health Division have no objection to the application.

(iii) are compatible with surrounding land uses.

The proposed use is considered to be an appropriate activity within this existing group of shops, were similar uses operate.

6. OTHER PLANNING CONSIDERATIONS

6.1 None

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 In terms of the relevant policy document, the East Ayrshire Local Plan, Finalised Version, the proposed development complies with the provisions of Policy RTC14.

8.2 With respect to the letter of objections, competition is not a material consideration in the determination of the application. With regard to the opening hours, an appropriate condition could be attached to any planning consent, however given that there is no planning restriction on the hours operated by the neighbouring carry-out and cafe, this is not considered appropriate.

8.3 Although there is already a hot food takeaway establishment within the row of shops at GlenCraig Street, the re-use of the retail premises is to be encouraged in line with policy.

9. RECOMMENDATIONS

9.1 It is recommended that the application be approved subject to the condition listed on the attached sheet.

Alan Neish
Head of Planning and Building Control
24 July 2000
VE/SMB
FV/AN

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Letters of representation.
5. East Ayrshire Local Plan (Finalised Version)

Any person wishing to inspect the background papers listed above should contact Miss Vivien Emery on 01563 555301.

Implementation Officer : Pamela Clifford

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 00/0343/FL

Location	80 Mill O'Shield Road DRONGAN
Nature of Proposal:	Proposed change of use to form a hot food takeaway and external alterations
Name and Address of Applicant:	Mr Balwant Singh 15 Marigold Square AYR KA7 3YH
Name and Address of Agent	

DPO's Ref: [VIVIEN EMERY]
PPO's Ref; []

The above **FULL** should be granted subject to the following conditions.

- (1) The applicant shall provide suitable litter receptacles both within and outwith the proposed premises. The external receptacles shall be in place prior to the commencement of business and removed and emptied after each day's trading to the satisfaction of the Planning Authority.

REASON – In the interests of amenity

NOTE

1. The applicant shall make early contact with West of Scotland Water, 35 Glenburn Road, Prestwick, regarding the servicing of the site.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA